

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 3, 5-16, 18-21 and 23-29 are pending in the application. Claim 15 has been amended to better define the claimed subject matter. No new matter has been introduced through the foregoing amendments.

It is noted that claim 15 and its dependent claims are withdrawn by the Examiner in the Office Communication of June 23, 2009. Although Applicants respectfully disagree with the Examiner's position, amendments nevertheless have been made solely for the purpose of expediting prosecution. Specifically, amended claim 15 recites that "the joining sites are each in the form of a dot and are all arranged only along and in vicinities of the transversely opposite side edges of said absorbent structure in the one of the front and rear waist regions", which is not mutually exclusive with respect to the claimed invention in claim 3. The dependent claims 5 and 23 depend upon claim 15 and should also be considered.

Further, Applicants respectfully submit that claim 15 should be patentable over the applied art for at least the reason discussed at page 11, lines 13-16 of the previous Amendment of April, 6, 2009.

The restriction requirement regarding claims 3, 6-14, 16, 18-21 and 24-29 is traversed in the Petition from requirement for restriction concurrently filed herewith.

Accordingly, Applicants respectfully submit that all pending claims are all directed to constructively elected invention and can be covered in a single search without serious burden and should be examined on the merits.

Conclusion

The Examiner is invited to telephone the undersigned, Applicants attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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